

7.41 Checklist 1: Arraignment

- ☐1. Ensure probationer receives written notice of alleged violation(s). Determine whether probationer has been given notice sufficiently in advance of the proceedings to afford a reasonable opportunity to prepare.
- ☐2. Advise probationer of the right to a contested hearing on the charges.
- ☐3. Advise probationer that he or she has the right to the assistance of an attorney, and that if he or she is financially unable to obtain an attorney but wants an attorney, the court will appoint one at public expense.
- ☐4. If probationer is unrepresented and indigent, appoint counsel. If probationer is not indigent, allow probationer a reasonable opportunity to obtain counsel if necessary.
- ☐5. Advise a probationer in custody that if the revocation hearing does not take place within 14 days after arraignment, he or she is to be released from custody pending the hearing.
- ☐6. Advise probationer of the maximum possible jail or prison sentence that may be imposed if the probationer is found guilty.
- ☐7. Ask probationer how he or she pleads:
 - ☐stand mute
 - ☐not guilty
 - ☐no contest
 - ☐guilty
- ☐8. If probationer stands mute or pleads not guilty, set a reasonably prompt hearing date.
 - ☐If probationer is in custody, the hearing should be set within 14 days of arraignment or the probationer must be released; or
 - ☐Court may delay revocation proceedings to await the outcome of related criminal proceedings.
- ☐9. Set or deny bail.
- ☐10. If probationer pleads guilty or no contest, move to step 7 in checklist 2, Section 7.42, Guilty Pleas.